

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY LAMAR BLACK,

No. 2:21-cv-02167-TLN-EFB (PC)

Plaintiff,

v.

FINDINGS AND RECOMMENDATIONS

P. THOMPSON, et al.,

Defendants.

Plaintiff is a federal prisoner proceeding with this civil action. On November 7, 2022, the court informed plaintiff that he could proceed with potentially cognizable Eighth Amendment claims against defendants Allred and Birch *or* he could file a second amended complaint in an effort to also state a claim against defendants Thompson, Alatory, Brown and Nimmo. ECF No. 38. Plaintiff has elected not to amend his complaint and to proceed only with the claim identified by the court. ECF No. 41.

Accordingly, it is RECOMMENDED that plaintiff's claims against Thompson, Alatory, Brown and Nimmo be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
2 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
3 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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5 Dated: April 14, 2022.


6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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